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PATENT
0020-4902P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Shigeru MORITA et al. Conf.: 7151 *116*
Appl. No.: 09/936,495 Group: Unassigned
Filed: September 11, 2001 Examiner: Unassigned
For: FLUORINATED ALLYL ETHER

L E T T E R

Assistant Commissioner for Patents
Washington, DC 20231

February 20, 2002

Sir:

Subsequent to the filing of the above-identified application on September 11, 2001, attached hereto is an English translation of the International Preliminary Examination Report (IPEA 409) which should be made of record in the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

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PATENT COOPERATION TREATY

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NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

受付

14. 1. 21

From the INTERNATIONAL BUREAU

To:

AOYAMA, Tamotsu
Aoyama & Partners
IMP Building
3-7, Shiromi 1-chome
Chuo-ku, Osaka-shi
Osaka 540-0001
JAPON

Date of mailing (day/month/year) 21 December 2001 (21.12.01)	
Applicant's or agent's file reference 661690	IMPORTANT NOTIFICATION
International application No. PCT/JP00/01453	International filing date (day/month/year) 10 March 2000 (10.03.00)
Applicant DAIKIN INDUSTRIES, LTD. et al	

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

EP,US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

JP

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. (41-22) 740.14.35	Authorized officer Eliott PERETTI Telephone No. (41-22) 338.83.38
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37
Translation

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 661690	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP00/01453	International filing date (day/month/year) 10 March 2000 (10.03.00)	Priority date (day/month/year) 11 March 1999 (11.03.99)
International Patent Classification (IPC) or national classification and IPC C08F 16/12, 290/06, C08F 299/02		
Applicant DAIKIN INDUSTRIES, LTD.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
 These annexes consist of a total of 4 sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 04 October 2000 (04.10.00)	Date of completion of this report 14 May 2001 (14.05.2001)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP00/01453

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
pages _____ 1-9 _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages _____ 5-6 _____, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____ 1,3-4,7 _____, filed with the letter of _____ 27 April 2001 (27.04.2001)
- ☐ the drawings:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☒ the claims, Nos. _____ 2.8 _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP00/01453

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1,3-7	YES
	Claims		NO
Inventive step (IS)	Claims	1,3-7	YES
	Claims		NO
Industrial applicability (IA)	Claims	1,3-7	YES
	Claims		NO

2. Citations and explanations

Claims 1, 3 to 7

Because of amendment, the inventions described in claims 1 and 3 to 7 are no longer the same as the inventions described in documents 1 to 4, and thus appear to possess novelty. In addition, because a party skilled in the art cannot easily conceive of them from the inventions described in documents 1 to 4, they appear to involve an inventive step.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP00/01453

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The descriptions on page 3, lines 2 and 3 and lines 11 and 12 in the Specification (aromatic hydrocarbon groups with 4 carbons, etc.) are contradictory in terms of technology.

The applicant claims that there are cases where heteroatoms are included in an aromatic ring, and thus this is not contradictory; generally, however, such compounds are called "heterocyclic" compounds and are different from "aromatic hydrocarbons," which indicate hydrocarbons that contain a benzene ring. Therefore, these descriptions remain unclear.